



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

HD:hd  
Docket No: 04863-99  
17 December 1999

LCDR [REDACTED] USN  
[REDACTED]

Dear Commander [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 5 October 1999, a copy of which is attached. The Board also considered your letter dated 17 November 1999 with enclosures.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. They were unable to find the absence from your Performance Summary Report (PSR) of the reporting senior's cumulative average data associated with your fitness report ending 31 October 1998 materially harmed your competitiveness for promotion. In this regard, they noted the PSR is only a tool used by promotion boards to assist them in evaluating the official records under consideration. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

5420  
Ser 85/211  
5 Oct 99

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LCDR [REDACTED] USN, [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned recommending disapproval of LCDR [REDACTED] request to remove the non-selection from his record.

2. LCDR [REDACTED] was considered and failed to select before the FY-00 Active Commander Line Promotion Selection Board. His request is based on his assertion that the board failed to have before it his 31 October 1998 fitness report. This is incorrect. The fitness report in question was presented to the board as part of his official record. The board had all the information that was required for consideration and records that were presented before it provided a substantially accurate, complete, and fair portrayal of his career, and sufficient information upon which to make a promotion decision.

3. Recommend disapproval of his request.

[REDACTED]  
BCNR Liaison, Officer Promotions  
and Enlisted Advancements Division